

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY COMPANY :
as Administrator for RELIANCE :
INSURANCE COMPANY, :

Plaintiff, :

vs. : Case No. 07-CV-6915

DORMITORY AUTHORITY – STATE OF NEW YORK, : **ECF CASE**
TDX CONSTRUCTION CORP. and KOHN PEDERSEN :
FOX ASSOCIATES, P.C., :

Defendants. :

: **HON. DENISE COTE**

DORMITORY AUTHORITY OF THE STATE OF :
NEW YORK AND TDX CONSTRUCTION CORP., :

Third-Party Plaintiffs, :

vs. :

TRATAROS CONSTRUCTION, INC., :

Third-Party Defendant. :

TRATAROS CONSTRUCTION, INC. and TRAVELERS :
CASUALTY AND SURETY COMPANY, :

Fourth-Party Plaintiffs, :

vs. :

CAROLINA CASUALTY INSURANCE COMPANY; :
BARTEC INDUSTRIES, INC.; DAYTON SUPERIOR :
SPECIALTYCHEMICAL CORP. a/k/a DAYTON :
SUPERIOR CORPORATION; SPECIALTY :
CONSTRUCTION BRANDS, INC. t/a TEC; KEMPER :
CASUALTY INSURANCE COMPANY d/b/a KEMPER :
INSURANCE COMPANY; GREAT AMERICAN :
INSURANCE COMPANY; NATIONAL UNION :

FIRE INSURANCE COMPANY OF PITTSBURGH, PA; :
UNITED STATES FIRE INSURANCE COMPANY; :
ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.:
f/k/a COMMERCIAL UNDERWRITERS INSURANCE :
COMPANY; ZURICH AMERICAN INSURANCE :
COMPANY d/b/a ZURICH INSURANCE COMPANY; :
OHIO CASUALTY INSURANCE COMPANY d/b/a :
OHIO CASUALTY GROUP; HARLEYSVILLE :
MUTUAL INSURANCE COMPANY :
(a/k/a HARLEYSVILLE INSURANCE COMPANY); :
JOHN DOES 1-20 AND XYZ CORPS. 1-20, :
: Fourth-Party Defendants. :
:

**FOURTH-PARTY DEFENDANT ZURICH AMERICAN INSURANCE
COMPANY'S INITIAL DISCLOSURES PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)**

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Fourth-Party Defendant Zurich American Insurance Company (“Zurich”) states as follows:

- (a) Zurich is unaware at this time of any additional persons with discoverable information concerning the claims in this litigation besides those individuals whom the other parties have disclosed.
- (b) Zurich is not in possession of any documents relating to the claims at issue in this litigation other than those documents produced by the parties in the course of the prior action *Travelers Casualty and Surety Company as administrator for Reliance Insurance Company v. The Dormitory Authority of the State of New York, et al.*, Case No.: 04 Civ. 5101 (HB) and related mediation (collectively “Trataros I”). Zurich submits that the insurance coverage issues involved in this case are governed by the legal interpretation of the parties’ respective liability insurance policies, the testimony of those individuals referred to by the other parties to this

litigation and any relevant additional documentary materials disclosed by the other parties in this action.

- (c) Zurich does not allege any damages at this time.
- (d) Zurich has produced to Travelers the Assurance Company of America Policy issued to Bartec for the policy period from May 26, 2000 to May 26, 2001 which includes, *inter alia*, commercial general liability and umbrella coverage (Policy No.: CFP 26465766)(“the Bartec Policy”) and the Zurich American Insurance Company general liability policy it issued to Trataros, effective from April 1, 2001 through April 1, 2002 GLO 3504358-001)(“the Trataros Policy) in Trataros I. Zurich denies the applicability of coverage under either the Bartec or the Trataros Policies for any judgment or payments arising out of this action.

Dated: New York, New York
February 25, 2008

Yours, etc.

By:


S. Dwight Stephens (SS-2161)

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